

HUMAN RIGHTS

INTEREST GROUP NEWSLETTER

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Dear colleagues,

We are pleased to present the latest edition of the Human Rights Interest Group (HRIG) newsletter. This edition is published at a critical moment for international human rights law. Recent days have witnessed intensified doubts regarding the effectiveness of international human rights law, at a moment when the post-war legal architecture underpinning the international order is increasingly contested and democratic regimes face mounting challenges across multiple regions.

Against this backdrop, the HRIG newsletter provides an overview of key developments and debates in international human rights law from the past few months, including the press release issued by the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela following the capture of Nicolás Maduro, reaffirming its concern about ongoing serious human rights violations and crimes against humanity in Venezuela; a report by the Office of the High Commissioner for Human Rights on the implementation of cultural rights in Somalia amid armed conflict and harmful traditional practices; the African Commission on Human and Peoples' Rights Resolution No. 648 addressing the deterioration of electoral and democratic processes across the African continent; a judgment of the African Court on Human and Peoples' Rights holding Tunisia responsible for failing to ensure access to justice in a case concerning the criminalization of adultery; a landmark judgment of the European Court of Human Rights on the total smoking ban in Estonian prisons; an Inter-American Commission on Human Rights thematic report warning of the human rights risks posed by mass digital surveillance, spyware and biometric technologies in the Americas; and a decision of the Inter-American Court of Human Rights in the case of *Silva Reyes and Others v. Nicaragua* concerning enforced disappearance and continuing violations. Finally, this issue also includes a section highlighting employment opportunities in the field of human rights within the United Nations system.

We hope you enjoy reading this newsletter as much as we enjoyed writing it. We trust in the importance of keeping up with these contributions that stimulate the dissemination of current human rights issues, and that reinforce the relevance of international human rights law for each of us.

If you have ideas or suggestions for the HRIG or would like to share any information relevant to the group, such as new publications, upcoming events, career opportunities, professional accomplishments, and more, please send them to ecurcio@alvarezmartinezlaw.com to be included in our next newsletter.

Best regards,
Ezequiel Curcio
Newsletter Editor

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Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.

I. UNIVERSAL HUMAN RIGHTS SYSTEM

1. Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM Venezuela)

- On 3 January 2026, following the capture of Nicolás Maduro by United States authorities, the FFM Venezuela expressed grave concern regarding the human rights situation in the country. The FFM Venezuela stressed that the charges brought against Maduro for alleged "narco-terrorism against the United States and its citizens" must not divert attention from the longstanding pattern of serious human rights violations and crimes against humanity committed under his government, as extensively documented by the FFM, including extrajudicial killings, arbitrary detention, enforced disappearances, torture, and sexual and gender-based violence.

At the same time, the FFM Venezuela made clear that this record of grave violations cannot justify a foreign military intervention in breach of international law. It warned of heightened risks of further human rights violations amid escalating instability, including the United States' stated intention to administer the country and Venezuela's declaration of a state of emergency. In this regard, Mr. Alex Neve, expert member of the FFM, stated that "*[t]he Venezuelan people require and deserve solutions that fully comply with international law.*"

The FFM Venezuela reiterated that accountability for serious human rights violations must be pursued through mechanisms consistent with international law, including due process guarantees and international cooperation, and underscored the importance of preserving evidence and ensuring protection for victims and witnesses. It confirmed that it continues to closely monitor developments and called on all parties—including Venezuelan and U.S. authorities and the international community—to place the rights, safety, and protection of the Venezuelan population at the center of any response. The press release can be found [here](#).

2. Office of the High Commissioner for Human Rights (OHCHR)

- On December 10, 2025, the OHCHR and the United Nations Transitional Assistance Mission in Somalia (UNTMIS) published the country report *Somalia's Cultural Rights Landscape: An Enabler for Peace and Inclusion*, which examines the implementation of cultural rights in Somalia. The report recalls that cultural rights protect the development and expression of cultural identities, enabling individuals and communities to express their worldviews and values through diverse forms of expression, including rituals, ceremonies, sports, food, and many others. It further emphasizes that the effective exercise of cultural rights is essential to the enjoyment of other human rights and is therefore protected under both international and domestic law.

At the international level, the report highlights Somalia's obligations under key instruments, including the Convention Concerning the Protection of the World Cultural and Natural Heritage and the Convention for the Safeguarding of the Intangible Cultural Heritage. Domestically, cultural rights are safeguarded under the Provisional Constitution—particularly Article 31 on language and culture—and through policy frameworks such as the "National Strategy and Action Plan for the Sustainable Development of the Culture Sector", which affirms the Federal Government's commitment to preserving cultural heritage, expression, and diversity.

The report underscores Somalia's rich tangible and intangible cultural heritage, including ancient archaeological sites such as the Buur Heybe inselbergs, traditional crafts, dances, and rituals—such as the Istunka celebration in the Afgoye district—as well as songs and poetry. At the same time, it identifies persistent challenges, including harmful traditional practices that undermine women's rights, notably female genital mutilation. Despite its constitutional prohibition in 2024, the report notes that between 2018 and 2019 an estimated 99.2% of girls

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and women aged 15-49 had undergone the practice, with serious consequences for their health, well-being, and dignity.

The OHCHR further stresses that decades of armed conflict have severely undermined cultural rights. The collapse of State institutions in the 1990s and subsequent instability led to the destruction of numerous public and cultural institutions, a situation compounded by attacks carried out by Al-Shabaab, a non-state armed group affiliated with Al-Qaeda, which have caused widespread casualties and the destruction of cultural and educational sites and practices.

Finally, the report notes several measures adopted by Somali authorities to promote and pro-

tect cultural rights, including the rehabilitation of national cultural institutions that had been seriously damaged by the armed conflict, such as the reopening of the Somali Academy of Sciences and Arts in 2016 after 26 years of inactivity. It also issues recommendations to multiple actors, urging the Federal Government to fully implement existing recommendations on the prohibition of harmful practices, including female genital mutilation and child and forced marriage, and calling on Al-Shabaab to comply with international humanitarian law, particularly obligations to protect civilians, civilian infrastructure, and cultural heritage. The country report can be found [here](#) and the press release [here](#).

II. AFRICAN HUMAN RIGHTS SYSTEM

1. African Commission on Human and Peoples' Rights (ACHPR)

- **On October 30, 2025, the ACHPR adopted Resolution No. 648 concerning the deterioration of electoral and democratic processes in several regions of the African continent.** The ACHPR recalled that all citizens have the right to participate freely in the conduct of public affairs, directly or through freely chosen representatives, and emphasized the corresponding obligation of States to uphold universal democratic values by respecting human rights and ensuring fair, free, and regular elections that enable legitimate transitions of power. It also noted an increase in unconstitutional changes of government, including military coups, which have contributed to insecurity, conflict, and stalled development, as well as evidence that illicit funding has influenced electoral processes, underscoring the need for stronger regulation of political campaign financing.

Furthermore, the ACHPR stressed the crucial role of citizen observers in monitoring electoral processes and affirmed that electoral democracy and the rule of law cannot be consolidated without a safe and enabling civic space that fa-

cilitates meaningful public participation. In this regard, it urged States to ratify, domesticate, and effectively implement the African Charter on Democracy, Elections and Governance, to reform legal and policy frameworks governing electoral observation to ensure inclusiveness, and to strengthen legal and institutional mechanisms regulating the financing of election campaigns and political parties, with a view to enhancing transparency and accountability. The resolution can be found [here](#).

2. African Court on Human and Peoples' Rights (ACtHPR)

- **On 4 December 2025, the ACtHPR delivered its judgment in the case of *Elyssa v. Republic of Tunisia*.** Although Tunisia filed a notice withdrawing its declaration accepting the ACtHPR's jurisdiction over individual and NGO applications on March 7, 2025, the withdrawal will only take effect on March 8, 2026.

The applicant is Elyssa (who acted under this self-chosen pseudonym), a Tunisian national and computer engineer. The case arose from divorce proceedings initiated in 2014, in which

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the Ariana Court of First Instance granted the applicant a divorce, child custody, and alimony. On appeal, the Tunis Court of Appeal upheld the divorce but transferred child custody to the applicant's former husband, granting Elyssa visitation rights. Although the applicant challenged this decision, the appeal was unsuccessful.

In parallel, the applicant's former husband brought criminal proceedings against Elyssa for adultery, alleging that she had accompanied a male friend of hers on a trip and stayed overnight at his apartment. In December 2014, the Grombalia Court of First Instance convicted the applicant and her co-accused of adultery under the Criminal Code, sentencing them to seven months' imprisonment and ordering the payment of moral damages and legal costs. The conviction was upheld on appeal.

On her submission to the ACtHPR, the applicant argued that the absence of a constitutional court in Tunisia prevented her from challenging the constitutionality of Article 236 of the Criminal Code, which criminalizes adultery with imprisonment of up to five years, thereby violating her right of access to justice.

In its decision, the ACtHPR recalled its jurisprudence, including *Brahim Belghith v. Republic of Tunisia*, holding that the lack of a constitutional review mechanism impedes the ability to raise constitutional challenges and is directly linked to the right to a fair trial. The ACtHPR found that this impediment persisted in the applicant's case and concluded that Tunisia violated the right to a fair trial under Article 7(1)(a) of the African Charter on Human and Peoples' Rights, read in conjunction with Article 14(1) of the International Covenant on Civil and Political Rights. The decision can be found [here](#).

III. EUROPEAN HUMAN RIGHTS SYSTEM

1. European Court of Human Rights (ECtHR)

- **On October 28, 2025, the ECtHR delivered its judgment in the case *Greenpeace Nordic and others v. Norway*, concerning the obligation to protect individuals from the serious adverse effects of climate change in the context of petroleum exploration.** The facts of the case arose on June 10, 2016, when the Norwegian Ministry of Petroleum and Energy awarded ten licences to 13 private companies for petroleum exploration on the Norwegian continental shelf, deferring the conduction of a prior comprehensive environmental impact assessment. Greenpeace Nordic and Young Friends of the Earth Norway unsuccessfully challenged the decision, alleging a violation of the right to a clean and healthy environment. On 15 June 2021, the case was submitted to the ECtHR.

In its decision, the ECtHR stated that, with regard to oil extraction, States must carry out an adequate, timely and comprehensive environmental impact assessment. This must include

quantification of anticipated greenhouse gas emissions (GHGs), an assessment of compatibility with national and international legal obligations, and informed public consultation. Although no environmental impact assessment had been conducted prior to the granting of the licences, the ECtHR concluded that the deferral of such an assessment was sufficient to ensure compliance with the State's obligations under Article 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR), and therefore found no violation of that provision. The decision can be found [here](#) and the press release [here](#).

- **On November 4, 2025, the ECtHR delivered its judgment in the case of *Vainik and Others v. Estonia*, concerning four inmates at Viru Prison who were regular smokers at the time Estonia introduced a total ban on smoking in prisons on October 1, 2017.** The ban was enacted through amendments to the Internal Prison Rules by the Ministry of Justice—stipulating that

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detainees were prohibited from carrying tobacco products for smoking—and subsequently implemented by the Governor of Viru Prison, who completely banned smoking within the premises. This absolute ban was preceded by earlier regulations that had progressively restricted inmates' access to cigarettes.

The applicants challenged the measure before domestic courts without success. In 2019, the Estonian Supreme Court upheld the ban as constitutional, finding it justified by the protection of non-smokers' health, prison staff safety, and the prevention of fire and other risks. Additional appeals were also dismissed by the domestic courts.

The ECtHR declared the complaint lodged by one applicant inadmissible for failure to exhaust domestic remedies. As to the merits, the ECtHR determined that the applicants' complaints under Article 3 (prohibition of torture) of the ECHR were inadmissible, since the stress and anguish associated with quitting smoking did not reach the minimum level of severity required to fall within the scope of that provision. It further noted that claims regarding inadequate medical assistance for withdrawal symptoms had not

been raised before domestic authorities.

By contrast, the ECtHR found a violation of Article 8 (right to respect for private and family life) of the ECHR, recalling that the right to respect for private life encompasses personal autonomy, including the freedom to engage in activities that may be harmful to those engaged in them. It held that the imposition of an absolute smoking ban in prisons, without an assessment of its impact on inmates' personal autonomy or the provision of relevant and sufficient reasons addressing that aspect, exceeded the State's margin of appreciation. Consequently, the ECtHR concluded that the Estonian authorities had failed to strike a fair balance between the applicants' private-life interests and the legitimate aims pursued.

While the ECtHR had previously addressed the health impacts of passive smoking in prisons and the corresponding obligations of States to protect non-smokers, this is the first time the ECtHR examined the effects of a total smoking ban in smoker inmates. The decision can be found [here](#) and the press release [here](#).

IV. INTER-AMERICAN HUMAN RIGHTS SYSTEM

1. Inter-American Commission on Human Rights (IACHR)

- **On October 9, 2025, the IACHR issued a thematic report examining the human rights implications of the growing use of advanced digital surveillance technologies in the 21st century.** The report situates these practices within broader global trends, including counter-terrorism initiatives and law-enforcement narratives warning of authorities "going dark" in digital environments, and finds that such developments increasingly pose serious risks to human rights across the Americas and beyond.

The report identifies a range of surveillance tools currently in use, including spywares, which is deployed not only by States but also by non-

State actors for malicious purposes. In this regard, the IACHR and its Special Rapporteur for Freedom of Expression (SRFOE) highlight the case of Mexico, one of the first countries reportedly to have used NSO Group's Pegasus spyware, a highly intrusive tool capable of covert installation on mobile devices. Investigations into its use revealed multiple irregularities, including surveillance aimed at securing political advantage and efforts to conceal the involvement of powerful interests. Similar patterns were identified in other countries in the region, including El Salvador, the Dominican Republic, and Colombia.

Beyond that, the thematic report documents the use of online profiling and other forms of mass

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digital surveillance to monitor activities critical of governments, including against journalists in countries such as Argentina and Uruguay, as well as the deployment of facial and biometric recognition technologies, notably in Brazil. These practices raise serious concerns regarding violations of the right to privacy, the expansion of racial profiling, and other potential human rights abuses.

The IACtHR observed that as public dissatisfaction grows and citizens increasingly question those in power, surveillance mechanisms tend to be applied more intensively, while tolerance for criticism diminishes. It warned that contemporary technologies enable unprecedented intrusions into the most intimate aspects of individuals' lives, often without their knowledge, resulting in significant human rights impacts. These include long-term psychological harm—such as stress and paranoia—and chilling effects on journalists and human rights defenders, undermining freedoms of expression, movement, and thought.

Therefore, the IACtHR noted a growing consensus among international and regional human rights bodies that mass surveillance is inherently disproportionate and incompatible with international human rights law. While acknowledging that substantial challenges remain, it highlighted certain positive developments, including the adoption in 2023 of the Code of Conduct for Enhancing Export Controls of Goods and Technology That Could Be Misused and Lead to Serious Violations or Abuses of Human Rights, which had been ratified by at least 24 States. The IACtHR outlined a series of recommendations, calling in particular on OAS Member States to review and update their surveillance-related legal frameworks to ensure full compliance with international human rights standards. The thematic report can be found [here](#) and the press release [here](#).

2. Inter-American Court of Human Rights (IACtHR)

- **On November 12, 2025, the IACtHR delivered its judgment in the case concerning the enforced disappearance of José Ramón**

Silva Reyes, a retired colonel of the National Guard, holding Nicaragua internationally responsible for multiple violations of the American Convention on Human Rights (ACHR).

The facts of the case arose in the aftermath of the victory of the Sandinista National Liberation Front (FSLN) in 1979, which led to an internal armed conflict in Nicaragua and widespread human rights violations.

Following the establishment of the National Reconstruction Government and the dissolution of the National Guard, at least 6,500 former Guard members were detained, while others fled the country or sought asylum in foreign embassies. During this period, the General Directorate for State Security (DGSE) operated official and clandestine detention centers in which systematic acts of torture were committed, including prolonged solitary confinement, inhumane detention conditions, and physical and psychological abuse.

Shortly after the revolution, Mr. Silva Reyes and his family sought asylum at the Embassy of Guatemala in Managua, where they remained for several years. On October 31, 1983, Denis Silva García (one of Mr. Silva Reyes' sons) was informed through an official statement that his father had allegedly escaped from the embassy along with other asylum seekers. Since then, his whereabouts remained unclarified. Despite sustained efforts by his relatives to locate him—both domestically and internationally—these attempts proved unsuccessful. The family later received information indicating that Mr. Silva Reyes had been removed from the embassy by Nicaraguan State agents, subjected to torture, and subsequently executed. No effective investigation was conducted on these facts. Years later, No effective investigation was conducted into these events. In 2017, Denis Silva García received death threats and was forced to leave the country. To date, Mr. Silva Reyes' whereabouts remain unknown.

In its decision, the IACtHR found that, according to the evidence, Mr. Silva Reyes had been detained by DGSE agents who induced him to

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leave the embassy, after which he was forcibly disappeared. Given that his fate and whereabouts remain unknown, the IACtHR concluded that the enforced disappearance constituted a continuing violation attributable to Nicaraguan State agents, in breach of Articles 3 (right to judicial personality), 4(1) (right to life), 5(1) (right to humane treatment), and 7 (right to personal liberty) of the ACHR. Furthermore, the IACtHR found that the State's failure, over several de-

cades, to carry out any serious investigation or take concrete measures to clarify the disappearance violated Articles 8(1) (right to a fair trial) and 25(1) (right to judicial protection) of the ACHR, and that this prolonged uncertainty also constituted a violation of the personal integrity of Mr. Silva Reyes' family members. The decision (in Spanish) can be found [here](#) and the press release [here](#).

INFORMATION ON EMPLOYMENT OPPORTUNITIES

This section of the newsletter presents a list of some open human rights positions at the United Nations that may be of interest to you. It should be noted that neither the HRIG

nor ASIL is part of the election processes for these positions, and therefore this listing is for informational purposes only.



1. High-level positions requiring nomination by a State

This category lists the upcoming elections for members of treaty bodies within the United Nations System. These are honorary and part-time positions. When the term of office of one or more of the members of these bodies is about to expire, the Secretary-General sends a note verbale to the States Parties to the respective treaty, inviting them to

submit their nominations by note verbale by a specified deadline. Thus, to apply for one of these positions, it is necessary to be nominated by a State Party to the respective treaty. After States submit their nominations, their representatives meet in a scheduled session to vote and elect the new members.

Position available	Number of positions available	Elections	Application deadline	Website
Committee on Economic, Social and Cultural Rights (CESCR)	9	April 2026	[To be confirmed]	Find it here .
Committee on the Rights of the Child (CRC)	9	May 2026	[To be confirmed]	Find it here .
Committee on Human Rights	9	June 15, 2026	[To be confirmed]	Find it here .
Committee on the Elimination of Discrimination Against Women (CEDAW)	12	June 2026	[To be confirmed]	Find it here .
Committee on the Rights of Persons with Disabilities (CRPD)	9	June 2026	[To be confirmed]	Find it here .
Subcommittee on Prevention of Torture (SPT)	13	October 2026	[To be confirmed]	Find it here .
Committee on Enforced Disappearance (CED)	5	June 2027	[To be confirmed]	Find it here .
Committee on Migrant Workers (CMW)	7	June 2027	[To be confirmed]	Find it here .
Committee on the Elimination of Racial Discrimination (CERD)	9	June 2027	[To be confirmed]	Find it here .

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2. Mid-level and entry-level positions

This category presents a list of some positions available at the United Nations that do not relate to membership as experts in treaty bodies or the Special Procedures of

the Human Rights Council, but are related to human rights issues. The application for these positions is conducted freely and online.

Position available	Department	Functions	Application deadline	Website
Senior Legal Officer (P5)	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)	Provides legal expertise and advice on a wide range of complex legal issues affecting the United Nations Mission's mandate and activities; drafts and reviews agreements, institutional and operational modalities, major contracts, and legal submissions; assists and supports the supervisor in establishing and maintaining good working relations with government officials (ministries, authorities and agencies) and other entities, among other things.	February 13, 2026	Find it here .